

500 Series

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ISSUANCES AFFECTED:

REFERENCES

- The CSBG Act, P.L. 97-35 of 1981, as amended by the Coats Human Services Reauthorization Act of 1998
 - Section 676(b) State Application and Plan
 - Section 676(c) Funding Termination or Reductions
 - Section 678C. Corrective Action; Termination and Reduction of Funding
- PA 230 of 1981
- Community Action Program (CAP) Administrative Rules, R 400.19101—R 400.19606

PURPOSE:

To establish policy and procedures for Corrective Action, Termination or Reduction in funding under the CSBG Program.

BACKGROUND:

- Section 676(b)(8) of the Act requires that :

...any eligible entity in the State that received funding in the previous fiscal year through a community services block grant made under this subtitle will not have its funding terminated under this subtitle, or reduced below the proportional share of funding the entity received in the previous fiscal year unless, after providing notice and an opportunity for a hearing on the record, the State determines that **cause** exists for such termination or such reduction, subject to review by the Secretary as provided in section 678C(b).

Note: Michigan's definition of "eligible entity" is a community action agency (CAA).

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- Section 676(c) of the Act states that – For the purposes of making a determination in accordance with subsection (b)(8), with respect to:
 1. **A Funding Reduction -- the term ‘cause’ includes:**
 - a) a statewide redistribution of funds to respond to
 - the results of the most recently available census or other appropriate data;
 - the designation of a new eligible entity; or
 - severe economic dislocation; or
 - b) the failure of an eligible entity to comply with the terms of an agreement or a State plan, or to meet a State requirement, as described in section 678C(a).
 2. **A Termination -- the term ‘cause’ includes** the failure of an eligible entity to comply with the terms of an agreement or a State plan, or to meet a State requirement, as described in section 678C(a).
- Section 678C(a) of the Act requires that states follow specific steps when issuing Corrective Action or imposing a Reduction or Termination in funding. Those steps have been incorporated into the following policy. Note: A determination to terminate the designation or reduce the funding of a CAA is reviewable by the Secretary of the federal Department of Health and Human Services (HHS).

POLICY:

A) Cause for a statewide redistribution of CSBG funds includes the state’s response to:

1. The results of the most recently available census or other appropriate data;
2. The establishment of a new eligible entity; and
3. Severe economic dislocation.

B) Pursuant to the CAP Administrative Rules (R 400.19408), cause for reducing the allocation to an agency or terminating funding to an agency includes the state’s response to:

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1. The agency's governing board failure to exercise sufficient authority or leadership to ensure that DHS-administered funds are expended in accordance with applicable regulations, laws, or contractual obligations.
2. The agency's administrative leadership failure to demonstrate that it has the administrative knowledge and skills required to ensure that the agency's fiscal, personnel, program, or property management systems are adequate to support DHS-funded projects.
3. The agency's failure to properly account for DHS-administered funds and property.
4. The agency's lack of adequate general management systems to support DHS-funded programs.
5. The agency's demonstrated lack of capacity for effective service delivery of DHS-funded programs.
6. The agency having liabilities which significantly exceed its assets.
7. The agency filing for bankruptcy.
8. The agency's failure to make substantive improvement in problem areas identified in an audit or monitoring reports.
9. The agency's failure to meet performance objectives.[Pursuant to the Act, Section 678C(a).]

C) Procedure:

If the state determines, on the basis of a final decision in a review pursuant to section 678B (Monitoring of Eligible Entities) of the Act, that a CAA has failed to comply with the terms of an agreement, or the State plan, to provide CSBG services or to meet appropriate standards, goals, and other requirements established by the State (see B above), DHS shall , pursuant to section 678C of the Act —

1. Inform the CAA of the deficiency to be corrected;
2. Require the CAA to correct the deficiency;

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3.
 - a) Offer training and technical assistance, if appropriate, to help correct the deficiency, and prepare and submit to the Secretary of HHS a report describing the training and technical assistance offered; or
 - b) If DHS determines that such training and technical assistance are not appropriate, prepare and submit to the Secretary of HHS a report stating the reasons for this determination;
4.
 - a) At the discretion of DHS (taking into account the seriousness of the deficiency and the time reasonably required to correct the deficiency), allow the CAA to develop and implement, within 60 days after being informed of the deficiency, a quality improvement plan to correct such deficiency within a reasonable period of time, as determined by DHS; and
 - b) Not later than 30 days after receiving from the CAA a proposed quality improvement plan pursuant to subparagraph a), either approve such proposed plan or specify the reasons why the proposed plan cannot be approved; and
5. After providing adequate notice and an opportunity for a hearing, initiate proceedings to terminate the designation of or reduce the CSBG funding of the CAA unless the entity corrects the deficiency.

D) Review:

Pursuant to Section 678C, a determination to terminate the designation or reduce the funding of a CAA is reviewable by the Secretary of HHS. The Secretary shall, upon request, review such determination. The review shall be completed not later than 90 days after the Secretary receives from DHS all necessary documentation relating to the determination to terminate the designation or reduce the funding. If the review is not completed within 90 days, the determination of DHS shall become final at the end of the 90th day.

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REFERENCES:

- Annual Update of the Department of Health and Human Services (HHS) Poverty Guidelines
- CSPM Item 208 – Poverty Income Guidelines

BACKGROUND:

Section 673(2) of the Coats Human Services Reauthorization Act of 1998 requires the use of the HHS Poverty (income) Guidelines as an eligibility criterion for the CSBG program.

POLICY:

CAAs will determine their own policies, based on local decisions, of what specific assistance/services will be provided to their clients. They will also determine the type, financial limitations and the frequency of any direct monetary services provided as well as any non-income related eligibility criteria.

The following services are not allowed with CSBG funds:

- a. Purchase or improvement of land or the purchase, construction or permanent improvement of any building or other facility.

Note: Assistance with a delinquent mortgage or property tax payment is allowable. A permanent improvement to a home, such as installing a different furnace system (e.g., from electric to gas) or making a change to the inside or outside structure of the home, is not allowed. Contact your DHS grant manager if you are uncertain about the allowability of a specific service.

- b. Leasing of space, buildings, and/or other assets not associated with a CSBG purpose or allowable activity.
- c. Political activity such as:
 - Any partisan or nonpartisan activity or any political activity associated with a candidate or contending faction or group, in an election for public or party office;
 - Any activities to provide voters and prospective voters with transportation to the polls or provide similar assistance in connection with an election; or
 - Any voter registration activity.

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Income Eligibility

Use the 125% of poverty income guidelines to determine eligibility for services provided with CSBG funds. Income refers to total cash receipts (gross) before taxes from all sources (see below) for all household members, for the past 12 months. **NOTE:** A household is all persons occupying a housing unit, regardless of whether they are related. Exception: For income eligibility purposes, Foster Children are not to be included as household members and Foster Care payments/subsidies are not to be included as income. Also, see NOTE under "Income Excludes."

Poverty Income Guidelines

Please refer to CSPM Item 208 for current 125% of poverty income guidelines.

Income Includes

1. Money, wages and salaries before any deductions.
2. Net receipts from nonfarm or farm self-employment (receipts from a person's own business or from an owned or rented farm after deductions for business or farm expenses).
3. Regular payments from the Social Security Administration (gross benefits, including any Medicare premium), railroad retirement, unemployment compensation, strike benefits from union funds, worker's compensation, veteran's payments, public assistance (including Family Independence Program-FIP, Supplemental Security Income-SSI, and State Disability Assistance-SDA), training stipends, alimony, child support, and military family allotments.
4. Private pensions, government employee pensions (including military retirement pay), and regular insurance or annuity payments.
5. College or university scholarships, grants, fellowships and assistantships.
6. Dividends, interest, net rental income, net royalties, periodic receipts from estates or trusts, and net gambling or lottery winnings.
7. Any lump sum payments received by Native Americans, such as from Casino income or other tribal income.

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Income Excludes

1. Capital gains.
2. Any emergency assistance program payments.
3. Any assets resulting from withdrawals from a bank; or the sale of property, a house or a car.
4. Tax refunds, gifts, loans, lump sum inheritances, one time insurance payments or compensation for injury.
5. Noncash benefits such as employer or union paid portion of health insurance, or other employee fringe benefits; food or housing received in lieu of wages; the value of food and fuel produced and consumed on farms; the imputed value of rent from owner-occupied nonfarm or farm housing; and federal noncash benefit programs such as Medicare (Medicare premium payments are **not** excluded), Medicaid, food stamps (including cash received in lieu of food stamps), school lunches and housing assistance.
6. Income earned through employment by a child who is age 18 and under, **and** attends school. **NOTE:** "Earnings" do not include program benefits such as Social Security, Supplemental Security Income, etc.; these **are** included in the total household income.
7. Adoption subsidies and foster care payments.
8. Household members who are absent from the home for 90 consecutive days or more are excluded from the household and therefore, their income is excluded.

Income Computations

For the purpose of computing income to determine income eligibility, the household's income is **ANNUALIZED** based on **ACTUAL** income received for the preceding 90 days or 13 weeks (including the date of application). To annualize, the income received for the 90 days/13 weeks is multiplied by four (4).

Note: An income source should not be annualized when there are periods in the past 12 months when the household member did not receive or earn income from that source. When this occurs, applicable statements should be included on the income computation form.

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If the household is initially determined to be over income (based on annualizing), the agency may redetermine income eligibility based on the household's ACTUAL **INCOME** for the preceding 12-month period (including the date of application).

The income computation process should include working from year-to-date wage income documentation, current and prior monthly benefit documentation, W-2s or income tax returns for prior year's income, and, **as a last resort**, self declarations. **All income** must be included and documented. There is no automatic eligibility for CSBG services. See the attached Income Computations - SAMPLE form (Attachment A) for documenting income computations. Note: The 90 days, 13 weeks, or 12-month period is considered the "lookback" period.

- For applications taken from January 1 through January 31: W-2s and income tax returns may be used as **sole** income documentation. In this instance, the ACTUAL gross income figures from these documents may be used rather than annualizing.
- For applications taken after January 31: W-2s and tax returns may only be used in combination with other current year income documentation. In these instances, the W-2s and tax returns can provide a basis for determining/computing income for the relevant weeks/months in the prior calendar year. See the attached Income Computations – Using W-2s and Tax Returns (Attachment B)

Documentation of Income

Income must be thoroughly documented. The following items are acceptable documentation:

- Copies of paychecks or pay stubs;
- Written statements from employers;
- Letters, benefit statements, or other documents from income sources, e.g., DHS, Social Security, VA;
- Unemployment Compensation Benefit check stubs;
- If self-employed, accounting and other business records showing net income;

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- W-2 statements and tax forms. They will seldom be adequate by themselves unless the date of application is between January 1 and January 31. Note: An exception may be made for the self-employed, since tax records are a convenient source of information about their income. However, they should be used in conjunction with a self-declaration.
- A signed self-declaration of the applicant, but only as a last resort;
- Other documents the program operator has reason to believe will **fully verify** the ANNUALIZED, or ACTUAL, income of the applicant.

Timeframe between Eligibility Determination and Service Provided

The allowable timeframes between eligibility determination and provision of specific assistance/services which have a direct monetary value attached (such as: payment on behalf of the client for delinquent bills, lodging, repair services, medical services, etc. or **vouchers** for food, clothing, furniture, equipment, etc.) are as follows:

- Services should be provided within 30 days of the initial eligibility determination.
- If additional services are requested after 30 days of eligibility determination - but within 6 months/180 days of eligibility determination, the agency must document that the client is still income-eligible for each service.

If the client states that there has been no significant change in the household income status, the agency may take a signed, and dated, self-declaration from the client documenting that "there has been no significant change in the household income status since the date of the initial service application." The self-declaration should be maintained in the client file with the original client application, the original income documentation and documentation of benefit(s) provided.
- Eligibility must be redetermined and a new application taken (including receipt of the required income documentation) for any direct monetary service to be provided after 6 months/180 days of the original eligibility determination.

These requirements do not apply to **"ongoing services"** provided by the agency where eligibility for a program/project is determined at the beginning of the program/project period (e.g., senior transportation, housekeeping or snow removal; on-site day/after school care; etc.).

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Client File

Agencies must maintain a client file for all recipients of CSBG services. At a minimum, the file must include:

- A copy of the agency's client services application. The application must identify each member of the household as well as income sources and amounts for each member of the household being served. The client and the intake worker must sign the application.
- A copy of all documents used to determine income eligibility; including self-declarations and documented phone conversations (**with names, dates, etc.**) with public case workers.
- **All** calculations for each income source for the prior 12 months (annualized or actual) as well as the total income for the client household.
- The type and dollar value, of the benefits provided.

REFERENCE: CSPM Item 502
Income Computations – SAMPLE Form

Applicant Name: _____ Client/I.D. # _____

Household Size: _____ Income Threshold: 125% of Poverty \$ _____

Provide the previous 12 months of income for each Household Member – Show each income source separately and attach all income source documents.

Name	Income Source & Document	Date From	Date To	Amount

Eligible: Yes No TOTAL Income for the past 12 months \$ _____

Describe any special circumstances relevant to the income calculations including identifying periods and conditions when there was no household income.

I hereby attest that the above information is true and correct to the best of my ability and understand that giving false or incomplete information can result in referral to the prosecuting attorney for fraud and/or recovery of any benefit provided on my behalf.

Applicant Signature: _____ Date: _____

Agency Representative Signature: _____ Date: _____

REFERENCE: CSPM Item 502
Income Computations – Using W-2s and Tax Returns

W-2s and income tax returns may be used as **sole** income documentation only for applications taken from **January 1 through January 31** of the following year. For applications taken after January 31, W-2s and tax returns may only be used in combination with other current year income documentation to determine eligibility. In these instances, the W-2s and tax returns can provide a basis for determining/computing income for the relevant months in the prior calendar year.

EXAMPLE: Using W-2s or Income Tax Returns to Compute Income for the Relevant Months in the Prior Calendar Year

Situation: A client applies for services during the 1st week of July and provides a prior year tax return or W-2 to document receiving income in the prior calendar year.

Following are 2 examples showing how to compute the relevant prior year's income using information from these source documents.

Example 1. The client indicates that the household received income regularly throughout the prior calendar year.

The intake worker would use the following method for computing income for the months of July—December (6 months of income): Divide the total income reported by 12 to determine an average monthly amount and multiply that amount by 6. **If the client agreed that the resulting amount fairly represented their income for the period of July—December**, this amount can be used for the prior year income period. **Note:** Current year income documentation must be used to determine the income earned/received for January—June.

Example 2. The client indicates that they had income for the months of Jan—June and October—December, but had no income for the months of July—September. Received income for 9 out of 12 months. **Note:** This information must be included in the client file as it is relevant to the income computations.

The intake worker would use the following method for computing income for the months of July—December (3 months of income): Divide the total income reported by 9 to determine an average monthly amount and multiply that amount by 3. **If the client agreed that the resulting amount fairly represented income for the period of July—December**, this amount can be used for the prior year income period. **Note:** Current year income documentation must be used to determine the income earned/received for January—June.

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Community Services Policy Manual	SUBJECT Community Services Block Grant: REFERRING CUSTODIAL PARENTS TO CHILD SUPPORT SERVICES		•EFFECTIVE DATE 01/01/00 •END DATE N/A •ISSUE DATE 12/08/99

ISSUANCES AFFECTED:

- REFERENCES
- The CSBG Act, P.L. 97-35 of 1981, as amended by the Coats Human Services Reauthorization Act of 1998
 - The CSBG 5-Year Master Agreement as amended 10/01/99
 - Annual CSBG Agreement

RESCISSIONS none

PURPOSE:

To provide guidelines regarding the CSBG requirement to inform and refer custodial parents to child support services.

BACKGROUND:

The CSBG Reauthorization requires that each eligible entity shall: (1) inform custodial parents in single-parent families that participate in programs, activities or services carried out or provided with CSBG funds about the availability of child support services; and (2) refer eligible parents to the child support offices of State and local governments.

In this regard, the amended Master Agreement and the CSBG Agreement state:

Custodial parents in single-parent families that participate in programs, activities or services carried out or provided for with these funds, must be informed about and referred to the child support offices of State and local governments.

POLICY:

CAAs shall inform and refer custodial parents who are not receiving child support to local child support offices/services.

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To assist CAAs in fulfilling this requirement, DHS is providing copies of the enclosed DHS Publication 748, “**Michigan Child Support Services and You**”, for distribution to custodial parents who are not receiving child support. Provision of this booklet to the custodial parent, along with the address of the local DHS Child Support office, and/or the local Prosecuting Attorney’s Office or Friend of the Court, will fulfill the information and referral requirement.

PUBLICATION DHS-748:

Additional copies of “**Michigan Child Support Services and You**” (English & Spanish version), can be ordered directly from DHS-Office Services Division at no charge by using the attached order form. **Note:** Other Office of Child Support publications included on the form are also available at no charge.

Enclosure: “Michigan Child Support Services and You”
 Attachment: Office of Child Support - Publication Order List

cc: Christine Eychas, Office of Child Support

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Community Services Policy Manual	SUBJECT Community Services Block Grant: COMMUNITY ACTION AGENCY BOARD – PUBLIC SECTOR REPRESENTATIVES		•EFFECTIVE DATE 01/01/00 •END DATE N/A •ISSUE DATE 12/08/99

ISSUANCES AFFECTED:

REFERENCES:

- Master Agreement

RECISIONS:

- None

BACKGROUND:

For the Public Sector, the Master Agreement requires that:

One-third of the members of the board are **elected public officials**, currently holding office, or their representatives, except that if the number of elected officials reasonably available and willing to serve is less than one-third of the membership of the board, membership on the board **of appointive public officials** or their representatives may be counted in meeting such one-third requirement.

This CSPM item will clarify the terms “elected public officials” and “appointive public officials.”

POLICY:

“Elected public officials” are persons who, through a public election process, are elected to a public office.

Examples include: County Commissioners, Mayor, City Council Members, University Trustees or Board of Regents Members, School Board Members, Sheriff, etc.

“Appointive public officials” are persons who are appointed to their position by an elected public official or a body composed of elected public officials.

Examples include: Appointees to commissions/councils/boards by the Governor, Mayor, or locally elected position/commission/council/board.

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Community Services Policy Manual	SUBJECT Community Services Block Grant: UNEXPENDED FUNDS – CARRY-FORWARD POLICY		EFFECTIVE DATE 05/08/00 END DATE ISSUE DATE 05/08/00

ISSUANCES AFFECTED:

REFERENCES The CSBG Act, P.L. 97-35 of 1981, as amended by the Coats Human Services Reauthorization Act of 1998: Sec. 675C.(a), (3) Recapture and Redistribution of Unobligated Funds

PURPOSE:

To provide policy regarding the carry forward of unobligated/unexpended CSBG funds that are allocated to community action agencies (CAAs) by formula.

BACKGROUND

Sec. 675C.(a), (3) “Recapture and Redistribution of Unobligated Funds” provides that a state may recapture funds, distributed to an eligible entity through a grant, that are unobligated/unexpended at the end of a fiscal year if such funds exceed 20 percent of the amount distributed to the entity for that fiscal year. It also allows the state to redistribute the recaptured funds to other eligible entities.

POLICY:

Unexpended funds within 20% of an agency’s annual allocation (allocation includes any discretionary funds allocated to an agency to bring its funding up to a minimum level) will be returned to the CAA for carry forward. **For Example:** An agency must spend 100% of any carry-in, plus 100% of any recaptured and redistributed funds, plus a minimum of 80% of their annual allocation to be eligible to carry forward unexpended funds.

Unexpended funds exceeding 20% will be recaptured and redistributed as noted below. This policy takes effect beginning with FY2000 unexpended funds.

Note: This policy does not apply to discretionary funds allocated to agencies for T/TA activities; unexpended T/TA funds may not be carried forward.

1. The amount of funds to be recaptured will be determined based on the fiscal year’s **final** September 30 Statement of Expenditures report. Final reports must be submitted no later than December 31.

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2. Recaptured funds will be distributed during the 2nd quarter of the following fiscal year when the fiscal year's final allocations are made (based on receipt of the final state allotment from HHS) and allowable carry-forward is returned to the agencies.

3. Recaptured funds will be distributed as follows:
 - **Recaptured funds totaling less than \$20,000:** Such funds will be added to the final amount identified each fiscal year to be distributed to all agencies by formula. The regular funding allocation formula will then be applied to the total funds to be distributed and the resulting amounts will become the formula allocations for that fiscal year.

 - **Recaptured funds totaling \$20,001—\$200,000:** Such funds will be distributed equally to agencies who have spent 100% of their prior year's allocation, carry-in, and any recaptured funds.

 - **Recaptured funds exceeding \$200,000:** FIA will determine a distribution formula to include agencies who spent between 90—100% of their prior year's allocation, 100% of their carry-in, and 100% of any recaptured funds.